

REMARKS/ARGUMENTS

By this Amendment, Claims 1-9 and 21-23 appear in this application, with Claims 10-20 being canceled, with Claim 6 amended and Claims 21 – 23 added to expedite the prosecution of this application.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The applicant and the undersigned are most appreciative of the allowance of Claims 1 – 5, and the indication of allowability of Claims 7 – 9 if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

By the subject amendment Claim 21 has been added, which claim includes all of the limitations of objected to Claim 7 and its parent Claim 6. Accordingly, it is respectfully submitted that new Claim 21 is allowable. New Claim 22 is a claim like original Claim 8, but is dependent upon new Claim 21. Hence for the same basic reason as given with respect to Claim 21, it is respectfully submitted that Claim 22 is allowable. New Claim 23 is a claim like original Claim 9, but is dependent upon new Claim 22. Hence for the same basic reason as given with respect to Claim 22, it is respectfully submitted that Claim 23 is allowable.

Claim 6 stands rejected under 35 U.S.C. 102 as being anticipated by published U.S. Application 2002/0130138 (Crozet et al.), published U.S. Application 2005/0109796 (Borque et al.) and Japanese Publication 2002-347104.

Claim 6 has been amended to more clearly define the invention and distinguish it over the cited prior art. To that end, Claim 6 now calls for a precursor for flexible packages for holding and selectively dispensing a liquid therefrom, each of said packages being formed of a flexible material and being arranged to be filled with the liquid and sealed on a machine. As amended the package is now specified to have the following features: (1) a pair of open bags interconnected by an intermediate section, (2) with each of the bags comprising a respective, separate tap fitment, (3) a first panel and a second panel juxtaposed opposite each other and fixedly secured to each other along first portions of their periphery, but unsecured along second portions of their periphery to form an open top, (4) with the tap fitment having a generally boat-shaped base section and a tap section, (5) with the base section of each respective tap fitment being interposed and sealed between the first portions of the periphery of said panels opposite the open top of its respective bag, (6) with each of the bags being arranged to be filled with the liquid through the open top and then sealed along the open top by the machine to enclose the liquid therein and thereafter separated from each other at the intermediate section to produce two separate filled bags, each with its own respective fitment.

None of the cited prior art discloses those claimed features. For example, the Crozet et al. reference does not disclose a package having a pair of open bags interconnected by an intermediate section and formed by first panel and a second panel juxtaposed opposite each other and fixedly secured to each other along first portions of their periphery, but unsecured along second portions of their periphery to form an open top, and with the tap fitment for each bag being interposed and sealed between the first portions of the periphery of the panels opposite the open top end of its respective bag. In fact, the disclosure of the Crozet et al. reference as found in

paragraphs [0019] – [0020] fail to disclose a precursor package with open tops confronting each other and spaced by an intermediate section through which the bags are filled and thereafter sealed along those open tops. Moreover, there is no disclosure in Crozet et al. that the bags are arranged to be separated from each other at the intermediate section to produce two separate filled bags, each with its own respective fitment.

The Bourque et al. reference is similarly defective as a viable reference since it does not disclose a package having a pair of open bags interconnected by an intermediate section and formed by first panel and a second panel juxtaposed opposite each other and fixedly secured to each other along first portions of their periphery, but unsecured along second portions of their periphery to form an open top, and with the tap fitment for each bag being interposed and sealed between the first portions of the periphery of the panels opposite the open top end of its respective bag. In fact, the disclosure of the Bourque et al. reference as found in paragraphs [0017], [0021], [0026] , [0028] and [0029] fail to disclose a precursor package with open tops confronting each other and spaced by an intermediate section through which the bags are filled and thereafter sealed along those open tops. Moreover, there is no disclosure in Bourque et al. that the bags are arranged to be separated from each other at the intermediate section to produce two separate filled bags, each with its own respective fitment.

The Japanese reference is also defective as a viable reference since it does not disclose a package having a pair of open bags interconnected by an intermediate section and formed by first panel and a second panel juxtaposed opposite each other and fixedly secured to each other along first portions of their periphery, but unsecured along second portions of their periphery to form an open top, and with the tap fitment for each bag being interposed and sealed between the first

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portions of the periphery of the panels opposite the open top end of its respective bag.

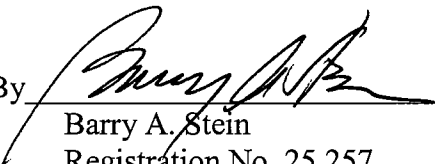
Claims 7 – 9 depend directly or indirectly upon amended Claim 6 and are hence also respectfully submitted as being patentable.

For at least the reasons set forth above, it is respectfully submitted that Claims 1 – 9 and 21 – 23 (all of the non-withdrawn claims now appearing in this application) are allowable and favorable reconsideration and prompt allowance of those claims is respectfully requested. In the event that the examiner does allow all of the Claims 1 – 9 and 21 – 23, authorization is hereby given to cancel the non-elected claims to expedite the prosecution of this application to issuance.

Should the examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Please charge or credit our Account
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entry and/or ensure consideration of
this submission.